

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

MARCUS ALFONSO GUERRERO
VALENZUELA,

Case No. 3:24-cv-00382-JE

OPINION & ORDER

Petitioner,

v.

ISRAEL JACQUEZ

Respondent.

BAGGIO, District Judge

On September 5, 2004, Magistrate Judge John Jelderks issued his Findings and Recommendation (F&R), [ECF 10], recommending that Petitioner Marcos Alfonso Guerrero Valenzuela's Petition for a Writ of Habeas Corpus be dismissed without prejudice for lack of jurisdiction and that this Court decline to issue a Certificate of Appealability. Neither party filed objections.

1-OPINION & ORDER

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. 28 U.S.C. § 636(b)(1)(B). If a party objects, the court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendation to which objection is made.” *Id.* § 636(b)(1)(C). The court is not, however, required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023). While the level of scrutiny that the court applies to its F&R review depends on whether a party has filed objections, the court is free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C); *see also Thomas*, 474 U.S. at 154.

Upon review, I agree with Judge Jelderks’s recommendation, and I ADOPT the F&R, [ECF 10], in full. Petitioner’s Petition for a Writ of Habeas Corpus, [ECF 1], is DISMISSED with prejudice. The Court declines to issue a Certificate of Appealability on the ground that Petitioner has not made a substantial showing of the denial of a constitutional right under 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED: November 8th, 2024.

Amy M. Baggio

AMY M. BAGGIO
United States District Judge